

March 12, 2007

Real ID Debate Continues



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The next issue of Capitol Journal will be available on March 19th.

Top Story

The Department of Homeland Security recently released its long-awaited guidelines for states to implement the Real ID Act. Now both sides are digging in for what could be a long and bitter battle.

SNCJ Spotlight

New Real ID regulations do little to sooth state concerns

* This story is a follow up to *High noon for Real ID*, which appeared in the Feb 19 issue of SNCJ.

After over two years of waiting, the federal Department of Homeland Security recently released its long awaited regulations for states to implement the federal Real ID Act. But while states were pleased to have been granted their wish for an extension for complying with the new statute – from 2008 to 2009 to begin compliance and 2013 for full compliance – few are finding much else to be happy about.

On a positive note, states also finally know precisely what the DHS wants from them in regard to replacing current driver's licenses with new, tamper-proof identification. But, as from the beginning, major concerns continue to revolve around about Real ID's ultimate cost and questions over security for the new licenses.

When passed in 2005, the bill's authors estimated the Act would cost states approximately \$100 million to implement, a figure states have long contested is absurdly inadequate. The National Conference of State Legislatures released a report last fall that calculated the actual cost to be more than \$1 billion in the first year and over \$11 billion in the first five years. Based on new estimates from DHS that were released with the Act's guidelines, even those figures were low. DHS now places Real ID's cost at closer to \$23 billion over 10 years – about \$14.6 billion in state costs, with the balance born by consumers in the

form of higher costs for obtaining a license or renewal. DHS director Michael Chertoff said states will be able to spend \$100 million this year and \$37 million next year from their annual homeland security grants to help pay for the changeover.

A big chunk of the expense will be in collecting and verifying the documents DHS will require from license applicants, which will include original birth certificates, social security cards, U.S. passports and visas. DHS will also require state DMV's to verify at least two unofficial documents - such as a utility bill - that show an applicant's street address.

Privacy experts were also not impressed with the new regulations, contending that the system DHS wants is inadequate to secure license holders' privacy. The American Civil Liberties Union, for one, complains that while new licenses will be required to contain the holder's home addresses and other personal information printed on the front and in a two-dimensional barcode on the back, that data will not be encrypted. That would allow just about anyone to scan the card to obtain the person's private information, which could then be vulnerable to identity theft or commercial data brokers. DHS also did not address the issue of how the state and federal databases built to hold the information acquired for the licenses will be managed and secured.

States now have until October 7 of this year to submit a plan for how they will comply with the Real ID Act. If states don't follow through by May 11, 2008, their residents will be unable to use their current license as identification when boarding a plane or entering a federal building. But given the ongoing outcry from both state and federal lawmakers – as well as numerous advocacy groups, including such normally

The week in session

States in Regular Session: AK, AL, AR, AZ, CA, CO, CT, DC, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OK, OH, OR, PA, RI, SC, SD, TN, TX, US, VT, WA, WI, WV

States in Recess: GA, NH (House Only), SD

States Currently Prefiling or Drafting: LA

States Projected to Adjourn: WV

States Adjourned in 2007: UT, VA, WY

State Special Sessions Adjourned in 2007: AL "a", FL "a", WI "a"

— Compiled By JAMES ROSS
(session information current as of 03/09/2007)
Source: State Net database

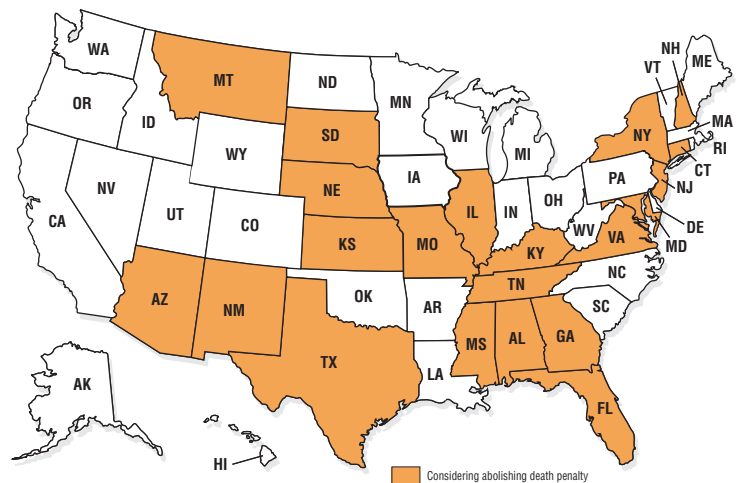
unlikely bedfellows as the ACLU, the CATO Institute, the National Organization for Women and the United Auto Workers – nobody is yet ready to say the Real ID Act is a done deal. In Congress, NEW HAMPSHIRE Republican Sen. John Sununu and HAWAII Sen. Daniel Akaka (D) have a new measure to repeal portions of the Act, while lawmakers in several states continue to mull bills to officially or symbolically refuse to adhere to the Act’s tenets.

MISSOURI Rep. Jim Guest (R), for one, has been actively working to build a coalition of his and many other states to introduce bills to opt out of the Real ID Act. Aside from the funding issues, Guest says he is predominantly opposed to what he calls a lack of oversight of DHS in regard to the Act, and in the potential for the government to use the information acquired in the process to spy on or track American citizens. Guest says he did not see anything in the proposed new regulations to change his mind about those efforts.

“We now have about 45 states that have committed to introducing bills to resist Real ID,” Guest says. (According to the State Net database, more than 20 states have followed through with such bills.) Guest also says that while he is not surprised the DHS is resistant to making changes to such a landmark statute, he does think the resistance from states is having a major impact on how the final version of Real ID will eventually be enacted. “I think we have their attention now,” he says.

Guest could be right. Previous to the release of the new regulations on March 1, numerous lawmakers and other advocates often complained that DHS director Chertoff and the Bush administration seemed less than interested in hearing their

Bird’s eye view



Source: State Net

States mull killing death penalty

Capital punishment has been one of the most contentious issues facing lawmakers ever since the U.S. Supreme Court declared it to be constitutional in 1976. To date, 38 states utilize the death penalty, while 12 bar the practice. But growing concerns over possible wrongful convictions, arbitrary application and the high cost of litigating death penalty cases has spurred ILLINOIS, FLORIDA, NEW YORK and NEW JERSEY to enact moratoriums on the use of capital punishment, with INDIANA and NORTH CAROLINA considering similar actions. Recent court decisions in MARYLAND and CALIFORNIA have forced those states to also halt executions until procedural problems with the lethal injection systems used there are corrected. Although public support of the death penalty has generally stayed strong, at least 20 states have introduced bills this year to fully abolish capital punishment. The accompanying map shows those states.





concerns over Real ID. But with the cards now on the table, Chertoff has given states and others a 60-day window to weigh in on the new regulations and where everything goes from here. That is good, Guest says, but he also vows that he will keep pushing states to rebel against its implementation unless major substantive changes are made to how the Real ID Act is funded and managed.

“I consider this the most important legislation I have worked on since I have been here,” he says. “We’re not stopping yet.”

— *By RICH EHISEN*

Budget & Taxes

BLAGOJEVICH PITCHES RECORD-BREAKING BUDGET: Last Wednesday, ILLINOIS Gov. Rod Blagojevich (D) proposed a 2008 budget that is not only the state’s biggest ever, but is also built on the largest tax hike and borrowing deal in Prairie State history.

The \$60.1 billion spending plan calls for \$7 billion in new business taxes — a \$6 billion gross receipts tax, which would replace the corporate income tax, and a 3 percent payroll tax on businesses that provide only limited health insurance coverage — and \$16 billion in new borrowing, along with the lease of the state lottery for \$10 billion.

Blagajovich’s vision is to use that multi-billion infusion of cash to improve the public school system, provide health care for the uninsured and shrink the \$42 billion hole in the public pension system projected for the coming decades.

In making the case for his plan before a joint session of the General Assembly, the governor appealed to the lawmakers’ populist instincts. “Today, we will begin the biggest, most fundamental change in our four-year effort to put middle-class and working families at the center of who we fight for,” he said.

He went on to criticize the state’s businesses for failing to pay their share of the

costs of government, pointing out that while individual taxpayers currently shell out an average of \$1,500 in state income taxes, the state’s 12,521 corporations, with combined sales of \$263 billion, pay an average of only \$151.

“Here is the choice we now face:

overburden the steelworker, the farmer, the nurse, the janitor...by raising their income taxes or increasing their sales taxes or get the biggest corporations who are making

“I think the governor is asking for another credit card, and I’m not sure if he knows whether he can make the first payment when the bill comes in.”



billions of dollars in ILLINOIS to simply pay their fair share,” he said. “To me, the choice is simple,” he continued. “I stand with the people.”

The speech doesn’t appear to have roused the troops, however. It drew only polite applause, even from the governor’s fellow Democrats, who control the General Assembly. And some of them actually expressed considerable skepticism about his plan. “I think the governor is asking for another credit card,” said Martin Sandoval (D), “and I’m not sure if he knows whether he can make the first payment when the bill comes in.” (CHICAGO SUN TIMES)

STATES TEAMING UP TO ATTRACT BUSINESS: Traditionally, states have fought each other to the bitter economic end seeking to lure new business within their own — and not their rivals’ — borders. But that sort of rugged economic individualism may be on the way out.

One indication of that is the alliance recently formed by Republican governors Bob Riley (R) of ALABAMA, Haley Barbour (R) of MISSISSIPPI and Charlie Crist (R) of FLORIDA

to bring a steel mill currently being shopped around by the German company ThyssenKrupp to Mobile. With a projected 2,700 jobs in the offing, ALABAMA’s interest is obvious. Barbour and Crist agreed to help out Riley, however, because 30 percent of those jobs will go to their states. “Partisanship brings it together, and shared self-interest makes it work,” said David Lanoue, chair of the political science department at the University of ALAMABA in Tuscaloosa.

“What’s happening now...is we’re replacing \$30,000 a year jobs with \$60,000 a year jobs, and that’s how you change not just the quality of life, but the culture of life, where people can buy a bass boat where they couldn’t before.”

Pete Whalley, an economic development analyst at the University Research Center in Jackson, MISSISSIPPI, said the alliance is part of a gradual shift toward greater economic regionalism, particularly in the South. “[Southern states] have built incentive packages out the wazoo...but they’re insufficient,” he said. “Market forces don’t care about state lines, so we don’t need to think about boundaries anymore.” But what states do need to think about, Whalley says, is growing competition from China and other countries, which is making the state-against-state approach increasingly unviable.

The government incentives themselves, however, aren’t likely to disappear any time soon. They’re lucrative for businesses. For instance, in exchange for agreeing to locate a 210-employee server station in NORTH CAROLINA, Google just received



tax breaks amounting to \$1 million per job. And incentives appear to work for states too. Partly as a result of the \$166,000 per job it paid in 1993 to lure a Mercedes Benz plant to the Birmingham area, ALABAMA's GDP is now the 15th-fastest-growing in the nation. "What's happening now...is we're replacing \$30,000 a year jobs with \$60,000 a year jobs, and that's how you change not just the quality of life, but the culture of life, where people can buy a bass boat where they couldn't before," said Sen. Roger Bedford (D). (CHRISTIAN SCIENCE MONITOR)

RELIGIOUS SCHOOLS GIVEN GO-AHEAD ON GOVERNMENT

BONDS: In a 4-3 ruling last Monday, the CALIFORNIA Supreme Court granted government agencies the authority to issue tax-free government bonds to help religious schools — even those that are "pervasively sectarian" — improve their facilities. While specifying that the government bonds could only be used for facilities where secular subjects would be taught, the majority opinion instructed lower court judges to focus on the "substance of the education provided" rather than the school's "religious character" when considering the constitutionality of such borrowing.

The ruling overturned a pair of lower court decisions barring three evangelical Christian institutions from using tax-exempt bonds to provide funding for new classrooms, dormitories and other facilities. Eugene J. Carron, a lawyer for the public authority that was seeking to issue the bonds for the three schools, said that "the vast majority" of religious schools in the state would qualify to make use of the tax-free bonds under the court's standards, but whether they will actually do so ultimately depends on their creditworthiness. (LOS ANGELES TIMES)

SHOW ME THE PORK: NEW YORK doesn't refer to the district-specific government expenditures that find their way into its state budget at the last minute every year as "pork barrel spending." It calls them "pet projects." And in NEW JERSEY, they're known as "Christmas tree" items. But lately, both states have taken a slightly dimmer view of the practice and instituted reforms.

In NEW YORK, lawmakers have agreed to list each one of their pet projects in the budget so they are not only visible to the public, but also subject to the governor's line-item veto. NEW JERSEY's legislature, meanwhile, has adopted new rules requiring spending requests to be detailed and disclose whether family or business relations will benefit from them.

The governors of the two states, Eliot Spitzer (D) and Jon S. Corzine (D), have played key roles in bringing about the changes. But NEW JERSEY lawmakers have had the added incentive of a federal investigation into the budget dealings of one of their own — Sen. Wayne R. Bryant (D) — a probe that has expanded in recent weeks. (NEW YORK TIMES)



BUDGETS IN BRIEF: FEMA agreed last week to fund a \$14 million program to help LOUISIANA implement the tough new building code state lawmakers passed in the aftermath of hurricanes Katrina and Rita. Gov. Kathleen Blanco (D) said successful implementation of the code was a “must-do” to keep insurance affordable in the Pelican State (ADVOCATE [BATON ROUGE]).

— *Compiled by KOREY CLARK*

Politics & leadership

CALIFORNIA PASSES EARLY PRIMARY: “Mini-Tuesday” — the first Tuesday in February in a presidential election year — moved a step closer to being super-sized last week, when a bill shifting CALIFORNIA’s primary from June 3 to Feb. 5 cleared that state’s legislature. (See “Big states could reshape presidential races” in March 5 issue of *SNCJ*.)

The Golden State Assembly passed Senate Bill 113 on a 46-29 vote. And although the chamber’s Republicans refused to support the measure because it doesn’t explicitly guarantee that counties will be reimbursed for the cost of holding an additional primary — something Assembly Speaker Fabian Nunez (D) has promised to do — the state’s Republican governor, Arnold Schwarzenegger, is expected to sign it.

There are still some potential wrinkles ahead, however. Many observers have maintained that one of the main reasons CALIFORNIA’s Democratic legislative leaders want an early presidential primary is to allow them to get voter approval for easing term limits in time for them to avoid being termed out of office next year. A signature-gathering campaign for a term-limits ballot measure is about to begin. But Schwarzenegger has said he will not support easing term limits unless the Legislature places a redistricting reform measure on the ballot as well, something the Democratic leadership has shown little interest in doing. And the governor could withhold his signature on the primary bill to try to leverage action on that front. (SAN FRANCISCO CHRONICLE, LOS ANGELES TIMES)

HIGH COURT AGREES TO CONSIDER ‘TOP-TWO’ PRIMARY: Last month, the U.S. Supreme Court announced that it would hear an appeal of a lower court ruling placing a hold on the “top-two” open primary system approved by WASHINGTON voters in 2004.

The state’s political parties had convinced the 9th U.S. Circuit Court of Appeals that the measure, which would advance the top two voter-getters in a primary race — whatever their party affiliation — to the general election, violated their free association rights under the First Amendment. The federal appeals court maintained that by potentially forcing political parties to become associated with candidates



the parties did not choose themselves, the WASHINGTON law imposed “a severe burden upon the parties’ associational rights.”

Supporters of the top-two system, however, contend that it would let the voters decide the outcome of elections instead of the political parties. And they’ve scored a significant legal victory in just getting the high court to take up the case. But legal precedent doesn’t particularly favor them. In 2000, the justices threw out WASHINGTON’s former open primary system — used by the Evergreen State since 1935 — on First Amendment grounds. Under that system, though, the top vote-getter from each party went on to the general election. (STATELINE.ORG)

Upcoming elections

(03/08/2007 - 03/29/2007):

03/10/2007 Louisiana Special Election

House District 94

03/20/2007 Massachusetts Special Primary

House 14th Worcester

POLITICS IN BRIEF: The U.S. Supreme Court upheld a lower court ruling barring the implementation of a mid-decade congressional redistricting by **COLORADO** Republicans back in 2003. The decision may have finally brought an end to the years of litigation over the issue. “If there’s another (legal) front, I haven’t thought of it and I’m not going to be involved in it,” said GOP lawyer John Zakhem (ROCKY MOUNTAIN NEWS [DENVER], CQPOLITICS.COM).

— *Compiled by KOREY CLARK*

Governors

PATRICK STUMBLES: As most lawmakers know, winning elections is one thing, doing the job is another. That is a lesson MASSACHUSETTS Gov. Deval Patrick (D) is learning the hard way this year, particularly when it comes to living up to the campaign promises that helped put him in office.

Patrick swept into office last November with a full cadre of populist appeal and 56 percent of the vote. But he has recently come under fire from the press, the blogosphere and even his most staunch supporters for a host of clumsy missteps, including carrying on what many perceive as a lavish lifestyle since taking office. Specific issues include his decision to spend \$1,100-per-month in state money to lease a Cadillac, about twice the cost of the state-sponsored Ford he replaced. His use of a state police helicopter to travel for official business also flopped, as did his decisions to spend \$27,000 in state dollars to make over his office and to drop the state’s top veterans affairs adviser from his Cabinet. Critics have also noted Patrick’s hiring of a \$72,000-per-year chief of staff — for his wife. Ms. Patrick is the first Bay State first lady since Kitty Dukakis to have her own chief of staff. After initially



defending his automobile choice, Patrick promised to pay for the car and the office renovations out of his own pocket.

Critics are mostly irked, however, at a phone call Patrick recently made to financial services giant Citigroup on behalf of Ameriquest Mortgage Co. It seems Ameriquest is urgently seeking a financial boost from Citigroup, a boost which wasn't immediately forthcoming.

Enter the jingle from Patrick, who used to sit on the board of Ameriquest's parent company, ACC Capital Holdings. (Patrick resigned from that board when

“I will make mistakes, but don't give up on me because I don't intend to give up on MASSACHUSETTS.”

he launched his gubernatorial campaign.) Patrick again initially tried to deflect the outcry, claiming he made the call as a private citizen and not the governor. That also went over poorly, so Patrick again reversed field last week and issued a public apology, saying the call was a mistake. The Bay State Republican Party has since called for an ethics investigation.

Patrick acknowledged his gaffes last week, saying “I will make mistakes, but don't give up on me because I don't intend to give up on MASSACHUSETTS.” At least one of Patrick's biggest supporters, Lt. Gov. Tim Murray (D), also preached patience for the rookie governor. “In this job you know you're going to take a fair amount of criticism and be scrutinized...This is a distraction, but at the end of the day he'll be judged on whether he made progress on the larger issues,” Murray said.

Patrick admitted that he is worried that the events of late have robbed him of the momentum he had coming into office. “Of course I'm concerned about that,” he said. “But it's a four-year term. We have a very ambitious agenda. We have put a lot of powerful proposals on the table; there are more to come. We just have to keep plugging and learning every day.” (BOSTON GLOBE, WORCESTER TELEGRAM, BERKSHIRE EAGLE)

RITTER GRUMBLES: Patrick is not the only frosh governor finding the going tougher in the executive office than he did on the campaign trail. COLORADO Gov. Bill Ritter (D) has also faced heat of late for two stances critics say are in direct contrast to positions he took prior to being elected. The first was his decision to veto a pro-union bill that candidate Ritter had once vowed to sign, a move lauded by business interests but which drew howls of protest from his predominantly pro-labor base. The din grew louder when Ritter later floated the idea of using an expected hike in federal mineral lease money to supplement the Centennial State's lagging education fund, a possibility that has many local governments crying foul. COLORADO's Western Slope communities, many of whom have come to rely on the mineral lease dollars to help pay for roads, bridges and housing related to increased coal, oil, gas and uranium extraction processes in their areas, claim that Ritter emphatically promised

during his campaign not to divert those funds for any reason. Ritter last week defended both actions, noting that the mineral lease proposal is currently just one possibility his administration is looking at for closing the education funding gap. He also noted that his veto of the labor bill came directly from his unwillingness to “risk my entire agenda for the people of this state” by antagonizing the business community. (DENVER POST)

GOVERNORS IN BRIEF:

WASHINGTON Gov. Christine Gregoire (D) announced the Evergreen State has filed suit against the federal government over a new rule requiring states to confirm the citizenship of newborn babies for them to be covered by Medicaid. Gregoire contends the rule is unnecessary because being born on U.S. soil automatically makes the child a U.S. citizen anyway (SEATTLE POST INTELLIGENCER). • **OHIO** Gov. Ted Strickland (D) has ordered an immediate freeze on state spending for excessive employee meals and seminars. Strickland says the Buckeye State has spent more than \$2 million since July 2005 on working lunches and conferences (CINCINNATI ENQUIRER). • **ALASKA** Gov. Sarah Palin (R) introduced a measure to open up the bidding to all comers for the state’s projected North Slope pipeline. The proposal includes incentives aimed at getting leaseholders to commit to shipping their gas down the pipeline, regardless of who eventually builds it (FAIRBANKS DAILY NEWS-MINER). • **RHODE ISLAND** Gov. Don Caricieri (R) agreed to pay a \$1,000 fine for soliciting donations from state employees during his reelection campaign last year. The state Ethics Commission said Caricieri was aware that his campaign was conducting a direct mail solicitation campaign, but conceded that he did not have personal knowledge of any of the names on the mailing list, or that any of the recipients were state employees (PROVIDENCE JOURNAL). • Governors Tim Pawlenty (R) of **MINNESOTA**, Janet Napolitano (D) of **ARIZONA** and Brad Henry (D) of **OKLAHOMA** (D) traveled to Afghanistan last week to meet and mingle with troops from their respective states (ASSOCIATED PRESS). • **TENNESSEE** Gov. Phil Bredesen (D) said last week he will likely veto an English-only driver’s license testing bill working its way through the Volunteer State Legislature. The bill is expected to clear the House and make it to his desk this week (TENNESSEAN [NASHVILLE]). • **FLORIDA** Gov. Charlie Crist (R) said last week he is not in favor of building new toll roads in the state’s rural areas, preferring instead to expand current roads in the more heavily populated urban areas

In the hopper

State Net tracks tens of thousands of bills in all 50 states, US Congress, and the District of Columbia, at any given time. Here’s a snapshot of what’s in the legislative works:

Number of prefiles last week: 1,551

Number of Intros last week: 12,652

Number of bills enacted/adopted last week: 1,381

Number of prefiles to date: 27,710

Number of Intros to date: 105,783

Number of enacted/adopted overall to date: 6,093

— Compiled By JAMES ROSS
(measures current as of 03/08/2007)
Source: State Net database



(ST. PETERSBURG TIMES). • **VIRGINIA** Gov. Tim Kaine (D) said he would amend but not veto a \$1 billion GOP-crafted transportation measure that has been more than a year in the making. Kaine says he agrees with local government officials that the plan places too much pressure on them to raise taxes to pay for the road improvements. He has until March 26 to sign, amend or veto the proposal (WASHINGTON POST).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** The **ARKANSAS** House approves HB 16751, legislation that would allow wineries that sell less than 250,000 gallons annually to sell directly to Razorback State retailers. The measure applies to both in-state and out of state vintners. It moves to the Senate (ARKANSAS DEMOCRAT GAZETTE [LITTLE ROCK]). • The **IDAHO** Senate approves legislation that would require auto insurers to offer coverage for accidents involving underinsured drivers. That coverage pays for property damage and bodily injury caused by another motorist who doesn't carry enough insurance to pay for damages in an accident. It moves to the House (IDAHO STATESMAN [BOISE]).

CRIME & PUNISHMENT: WYOMING Gov. Dave Freudenthal (D) signs legislation that requires all sex offenders, regardless of assessed risk, to be listed on a state-run Web site. State officials say the new rule is meant to discourage out-of-state offenders from moving to the Equality State (CASPER STAR TRIBUNE). • The **TEXAS** House approves a measure that would allow prosecutors to seek the death penalty for people convicted twice or more of sexually abusing children. It moves to the Senate (HOUSTON CHRONICLE). • The **KENTUCKY** Senate unanimously endorses SB 43, which makes it a crime to exploit people for forced labor, domestic work or sex. It moves to the House (COURIER-JOURNAL [LOUISVILLE]). • The **NEW YORK** Senate and Assembly approve a measure that would allow the Empire State to hold violent sexual criminals in mental institutions indefinitely after completing their prison terms. The measure moves to Gov. Eliot Spitzer (D), who is expected to sign it (JOURNAL NEWS [WHITE PLAINS]). • The **MARYLAND** Senate approves legislation that would extend the Old Line State's hate-crimes law to cover acts against the homeless. It now goes to the Senate (BALTIMORE SUN).

EDUCATION: An **OKLAHOMA** House committee endorses HB 2103, which would allow Sooner State college freshmen to lock in a tuition rate for their entire four years in school. The schools could still raise rates, however, in years when the lawmakers do not increase higher education funding by at least 5 percent. It graduates

to the full House (OKLAHOMAN [OKLAHOMA CITY]). • **IOWA** Gov. Chet Culver (D) signs legislation that requires all Hawkeye State schools to adopt anti-bullying policies by Sept. 1. The rules must apply to all students, staff and volunteers (QUAD CITY TIMES [DAVENPORT]). • A **FLORIDA** House committee approves HB 461, which would make all Sunshine State high school athletes competing in football, baseball and weight lifting submit to one year of random steroid testing. A student testing positive would be suspended from that sport for 90 days. The measure moves to another committee (PALM BEACH POST).

ENVIRONMENT: A **NORTH CAROLINA** House committee approves a proposal to extend by three years a 10-year state moratorium on new hog farms and their waste lagoons. Supporters say researchers need more time to develop cost-effective alternatives to the current waste disposal methods. The measure moves to the full House (WINSTON-SALEM JOURNAL).

HEALTH & SCIENCE: The **OKLAHOMA** Senate approves a measure that would bar the placement of a microchip into a person's body without their approval. The chips could be used to track people in nursing homes, hospitals or prisons. It moves to the House (OKLAHOMAN [OKLAHOMA CITY]). • The **NEW HAMPSHIRE** House approves HB 628, which would give the state power to negotiate with pharmaceutical companies for discounts on prescription drugs for low-income families or individuals. It moves to the Senate (UNION LEADER [MANCHESTER]). • The **NORTH CAROLINA** House approves legislation that would bar smoking in all state government buildings. The measure would also grant local governments the right to bar smoking in their buildings as well. It moves to the Senate (WINSTON-SALEM JOURNAL). • **SOUTH DAKOTA** Gov. Mike Rounds (R) signs legislation that allows parents to keep their children who are full-time college students insured on their medical coverage policy until age 29. Current law allows such coverage only to age 24 (ARGUS LEADER [SIOUX FALLS]).

IMMIGRATION: An **IDAHO** Senate panel snuffs out a bill that would have required Gem State employers who knowingly hire illegal immigrants to pay for their health care costs should those workers get injured on the job. The committee said it is already illegal to hire undocumented workers (IDAHO STATESMAN [BOISE]). • The **MISSISSIPPI** Senate endorses a measure that would prohibit companies that hire illegal immigrants from doing business in the Magnolia State. The proposal would also strip those companies of any state-sponsored fiscal incentives for one year. The bill now returns to the House, which approved an earlier version last month (SUN HERALD [BILOXI]). • The **WEST VIRGINIA** House approves SB 70, legislation that would strip Mountain State employers who knowingly hire undocumented workers of their business license. The bill heads to Gov. Joe Manchin



(D) for review (WHEELING NEWS-REGISTER).

• The **TENNESSEE** Senate approves legislation that makes English the primary language for driver’s license tests. The measure moves to the House (NEWS SENTINEL [KNOXVILLE]).

SOCIAL POLICY: The **HAWAII** House unanimously approves legislation to extend health benefits to the unmarried partners, including those of the same sex, of state employees. It moves to the Senate (HONOLULU ADVERTISER). • An **IOWA** Senate committee approves legislation that would prohibit discriminatory employment, public accommodation, housing, education and credit practices based upon a person’s sexual orientation or gender identity. It moves to the full Senate (DES MOINES REGISTER). • The **MONTANA** House endorses legislation that would bar picketing within 1,500 feet of funeral sites starting one hour before and one hour after a service. At least 30 states have passed similar measures in recent years as a means of countering a **KANSAS**-based church whose members have carried out aggressive protests at the funerals of soldiers killed in Iraq and Afghanistan. The church claims the deaths are God’s punishment on the U.S. for supporting homosexuality. The measure moves to Gov. Brian Schweitzer (D) who has not said if he will sign it (GREAT FALLS TRIBUNE). • The **NEW HAMPSHIRE** House approves HB 184, legislation that would repeal a state law requiring a parent to be notified before a minor daughter can get an abortion. It moves to the Senate (UNION LEADER [MANCHESTER]).

POTPOURRI: The **KENTUCKY** House approves SB 83, which will raise the Bluegrass State speed limit from 65 to 70 mph. The measure speeds back to the Senate to resolve some minor changes before it can race off to Gov. Ernie Fletcher (R), who says he will sign it into law (COURIER-JOURNAL [LOUISVILLE]). • The **IDAHO** Senate unanimously approves a proposal to ban Internet hunting. Such hunts feature a gun being attached to a Web camera, then being placed in a field and guided via a mouse by an Internet hunter to shoot prey such as wild pigs or deer. The measure fires off to the House (IDAHO STATESMAN [BOISE]). • Still in **IDAHO**, the Senate approves a proposal to make English the state’s official language. It moves to the House (IDAHO STATESMAN [BOISE]).

— *Compiled by RICH EHISEN*

Upcoming stories

Here are some of the topics you will see covered in upcoming issues of the State Net Capitol Journal:

- **HPV update**
- **Security breach protection**
- **Credit scoring**

Once Around the Statehouse Lightly

OPEN MOUTH, INSERT FOOT: And while he's at it, why not insert calf, leg and knee as well? That seemed to be the style of former MASSACHUSETTS House Speaker Tom Finneran. No longer in office thanks to a January conviction for obstruction of justice, Finneran now is a talk show host whose sense of timing — not to mention humor — needs seasoning. Last week, Finneran suggested stuffing political columnist Howie Carr into the trunk of Gov. Deval Patrick's Cadillac. Finneran's remark was not a private whisper, reports the *Boston Herald*. The ex-lawmaker blew it into a radio mike during a show where the governor was his on-air guest. Moreover, on the very day that Finneran made his suggestion, the *Herald* ran the 30-year-old photo of a dead mobster found in the trunk of a Cadillac. The remark, Finneran argued, was a joke, but it played badly. At one point during the show, the governor issued a mild rebuke after Finneran repeated his notion to take Carr "for a ride." Carr later offered up a suggestion of his own — that Finneran be sent to jail. Carr submitted his proposal in writing, to the judge who presided over Finneran's trial and gave him probation instead of time.

ONE IS NOT ENOUGH: Nor, apparently, are five. So, Democrat Shawn O'Hara has filed to run for (at last count) eight statewide offices. The MISSISSIPPI businessman wants to be governor, lieutenant governor, attorney general, secretary of state, treasurer, auditor, agricultural commissioner and insurance commissioner. And, notes The Associated Press, there is nothing in the law to prevent him from competing for all eight posts. Should he win more than one office, could he serve? "I don't think that's going to be tested," says Democratic Rep. Tommy Reynolds, chair of the House Elections Committee. In past elections, O'Hara has run — unsuccessfully — seven times, including for governor and mayor of Hattiesburg. Among the proposals in his current platform: outlaw homework. That ought to nail the 12-year-old vote.

ODD JOB OF THE WEEK: In NEBRASKA, some folks serve their community by being chosen as a "fence viewer." But these days, reports the *Lincoln Journal Star*, hardly anyone wants the job. That's not surprising, given that a "fence viewer" is selected to resolve disputes — for instance, who pays for fixing a fence. As one might suspect, it is thankless to be stuck in the middle of squabbling neighbors. Given the dwindling number of "viewers," state Senator Ernie Chambers has proposed handing fence disputes to the Department of Agriculture's mediation services, and a bill to that effect passed its first hurdle last week.

THE THREAT OF COMMUNISM LIVES in IDAHO, two decades after the Berlin Wall came down and the old Soviet Union dissolved. As a debate over day care centers demonstrated last week, Cold War rhetoric still informs the Gem State Legislature. “In the old Russia,” said Republican Rep. Lenore Barrett, “the state owned the children...and directed their education. This is not the proper role for government.” Barrett and her colleagues then squashed a non-binding resolution that would have encouraged the Department of Education to create a system for ranking preschools. According to the *Twin Falls Times-News*, a House committee recently voted down another bill that would have set minimum safety standards for day care centers. Still, the state couldn’t avoid one ranking — a national study identified Idaho as dead last when it comes to day care oversight.

BORRRRRING: That, at least, is one COLORADO lawmaker’s opinion of the current state song — a turn-of-the-century waltz called “Where the Columbines Grow.” Democratic Sen. Bob Hagedorn wants to designate a second state ditty, John Denver’s “Rocky Mountain High.” “You hear a few bars of John Denver, and you recognize it,” Hagedorn told the *Aspen Daily News*. This October is the 10th anniversary of the singer’s death in a plane crash, and Denver’s brother thinks the timing would be perfect. The same notion has floated before, but no bill has ever been introduced to effect a change.

PRIVACY? WE DON’T NEED NO STINKIN’ PRIVACY! With many Americans deeply concerned about identity theft and the shrinking boundaries of personal privacy, the TEXAS House of Representatives has decided to allow public release of Social Security numbers. As The Associated Press reports, a bill to that effect declares that Social Security numbers are not confidential. Not every Lone Star official agrees, however. In an opinion issued last month, Texas Attorney General Greg Abbott declared that Social Security numbers must be removed from all public documents — tax liens and court abstracts, for instance — prior to their release. County clerks — the folks charged with removing the numbers — complained that they lacked the staff to comply, and lawmakers sided with the clerks.

— *By A.G.BLOCK*



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